

COUNCIL MEETING NOTICE and AGENDA
THURSDAY, OCTOBER 20, 2005

1:00 P.M.

COUNCIL CHAMBERS
Historic County Building
4396 Rice Street, Room 201
Lihu'e, Kaua'i, Hawai'i

MEETING CALLED TO ORDER.

ROLL CALL.

APPROVAL OF AGENDA.

MINUTES of the following meetings of the Council:

Mid-Month Meeting of September 22, 2005
Public Hearing of October 6, 2005, re: Bills Nos. 2113 and 2143

COMMUNICATIONS:

- C 2005-355 Communication (10/06/2005) from the Elections Administrator, Office of the County Clerk, transmitting for Council consideration, a bill amending Chapter 4 of the Kaua'i County Code 1987, by adding a new Article 6, which streamlines and improves the process for managing recall petitions. (*See Proposed Draft Bill No. 2154*)
- C 2005-356 Communication (10/06/2005) from the Elections Administrator, Office of the County Clerk, transmitting for Council consideration, a bill amending Chapter 4 of the Kaua'i County Code 1987, by adding a new Article 5, which streamlines and improves the process for managing charter amendment petitions. (*See Proposed Draft Bill No. 2155*)
- C 2005-357 Communication (10/06/2005) from the Elections Administrator, Office of the County Clerk, transmitting for Council consideration, a bill amending Chapter 4, Article 4 of the Kaua'i County Code 1987, which streamlines and improves the process for managing initiative and referendum petitions. (*See Proposed Draft Bill No. 2156*)

- C 2005-358 Communication (09/26/2005) from the Director of Finance, transmitting Financial Reports for the Months Ending July 31, 2005 and August 31, 2005. *(Copies of Detailed Budget Report (Listing), Statement of Revenues-Estimated and Actual (Listing), Statement of Expenditures and Encumbrances (Listing), and Revenue Report (Listing), are on file in the County Clerk's Office).*
- C 2005-359 Communication (10/03/2005) from Daryl Kaneshiro, Councilmember, declaring a potential conflict of interest on Bill No. 2153 and Resolution No. 2005-57, because of his employment with Kaua'i Petroleum Company.
- C 2005-360 Communication (10/04/2005) from the Purchasing & Assistant Contracts Administrator, transmitting for Council information, the FY 05/06 1st Quarter Statement of Equipment Purchases. *(Report on file in the County Clerk's Office)*
- C 2005-361 Communication (10/06/2005) from Jay Furfaro, Councilmember, declaring a potential conflict of interest on Bill No. 2150, because he is the representative of the Princeville Operating Company who owns the site of the Hanalei Plantation Hotel.
- C 2005-362 Communication (09/10/2005) from the Chief of Police, requesting Council approval to apply for, accept and expend a Byrne Justice Assistance Grant in the amount of \$71,480.00, which will be used to purchase and implement a computer interface program that will enhance the current State Greenbox Booking system to include computerized booking of juveniles.
- C 2005-363 Communication (09/22/2005) from the Chief, Building Division, Department of Public Works, requesting Council approval:
1. to apply for, receive and spend \$135,000 in FEMA funds for the development of a new wind design code, that would improve wind hazard mitigation by developing wind speed mapping that accounts for the impact of local topography on wind speeds, and
 2. for acceptance of in-kind contributions by the County of Kaua'i, the Structural Engineers Association of Hawai'i, the Institute of Architects, and private sector hazard mitigation partners.

CLAIMS:

- C 2005-364 Communication (09/28/2005) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Dominador Lopez, for injury, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2005-365 Communication (09/29/2005) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Donna A. Loo, for unpaid bills, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2005-366 Communication (10/03/2005) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Christopher A. Webster, for damages to personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2005-367 Communication (10/04/2005) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Estrelita C. Lopez, for injury to her dog, pursuant to Section 23.06, Charter of the County of Kaua'i.

COMMITTEE REPORTS:**PLANNING COMMITTEE REPORTS:****CR-PL 2005-9:** on LEGAL DOCUMENT:

- C 2005-278 Communication (07/08/2005) from the Mayor, recommending Council approval of the following:
1. Limited Warranty Deed from New Seacliff Estates, LLC, dedicating to the County of Kaua'i, a 75-acre lot (Lot 26-A), New Seacliff Estates, LLC Kilauea, Hanalei, Kaua'i, Hawai'i, and
 2. Grant of Easement B from New Seacliff Estates, LLC, conveying to the County of Kaua'i, Easement B, New Seacliff Estates, LLC at Kilauea, Hanalei, Kaua'i, Hawai'i, for access and utility purposes.
- [Received for the record.]**

CR-PL 2005-10: on Bill No. 2113 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO ZONING DESIGNATION AT KUKUI'ULA, KAUAI (Kaua'i County Council, Applicant)

[Approved as amended.]

CR-PL 2005-11: on PL 2005-4 Communication (8/26/2005) from JoAnn A. Yukimura, Planning Committee Chair, requesting the presence of the Administration to give a quarterly update and status on all major projects currently being undertaken by the Planning Department.

[Received for the record.]

BILLS FOR FIRST READING:

Proposed Draft Bill No. 2154 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 4, KAUAI COUNTY CODE 1987, BY ADDING A NEW ARTICLE 6, RELATING TO RECALL PETITIONS

Proposed Draft Bill No. 2155 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 4, KAUAI COUNTY CODE 1987, BY ADDING A NEW ARTICLE 5, RELATING TO CHARTER AMENDMENT PETITIONS

Proposed Draft Bill No. 2156 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4, KAUAI COUNTY CODE 1987, RELATING TO INITIATIVE AND REFERENDUM PETITION

BILL FOR SECOND READING:

Bill No. 2113, Draft 1 - A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO ZONING DESIGNATION AT KUKUI'ULA, KAUAI (Kaua'i County Council, Applicant) *(The Planning Committee recommended approval as amended on 10-13-2005) (See Committee Report No. CR-PL-2005-10)*

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. (“H.R.S.”) §92-7(a), the Council may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). *(Confidential reports on file in the County Attorney’s Office and/or the County Clerk’s Office. Discussions held in Executive Session are closed to the public.)*

ES-194 Pursuant to Haw. Rev. Stat. §§92-4 and 92-5(a)(2), (4) and (8); 92F-13(1), (2), (3), and (4); and 92F-14(b)(1), the purpose of this executive session is to deliberate and make a decision upon a proposed settlement of a workers’ compensation claim, and evaluate an employee’s ability to return to work. This deliberation or decision making involves a matter that requires the consideration of information that must be kept confidential as it concerns a significant privacy interest. The significant privacy interest relates to a medical history, diagnosis, condition, treatment, or evaluation and which, pursuant to state or federal law, including Health Insurance Portability and Accountability Act, are protected from disclosure.

ADJOURNMENT.

NOTE: If the Council is not finished with this meeting by approximately 2:00 p.m., it will recess for public hearings. After the public hearings, the Council will reconvene to complete any unfinished business.

Bill No. 2149 - A BILL FOR AN ORDINANCE AMENDING SECTION 19-2.1 AND ADDING A NEW ARTICLE TO CHAPTER 19 OF THE KAUAI COUNTY CODE 1987, RELATING TO CAMPING AT LYDGATE PARK

For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk’s Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, ROOM 206, LĪHU‘E, KAUAI. TELEPHONE NO. 241-6371.